THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 28659 of 1995

Dated: 28-11-2006

Between:

P.Venkateswara Prasad and another

..... PETITIONERS

AND

Mandal Revenue Officer,
Varadaiahpalem,
Chittoor District.

.....RESPONDENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 28659 of 1995

O R D E R:

The petitioners, who claim title and possession in respect of the land situated in Sy.Nos.255, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272 and 273 of Varadaiahpalem Mandal, Mopurupalli village, Chittoor District covered by patta Nos. 213, 214, 215 and 216, filed this writ petition questioning the order dated 16-11-1995 passed by the respondent-Mandal Revenue Officer, rejecting the request of the petitioners to issue pattadar pass books.

Heard both sides and perused the material on record.

The impugned order dated 16-11-1995 was passed on the ground that the lands claimed by the petitioners were 'Darkast lands' and the pattas granted in favour of the petitioners were already cancelled by the Mandal Revenue Officer by order dated 15-07-1995.

The petitioners contended that the order said to have been passed on 15-07-1995 was never served on them and as a matter of fact no proceedings were initiated for cancellation of the pattas held by them. It is also asserted that they have been in continuous possession of the lands in question without any interruption.

This Court, while directing Rule nisi, by order dated 16-01-1996, granted interim stay of dispossession of the petitioners from the lands in question. The said order continued to be in force till today and no counter affidavit has been filed by the respondent rebutting the plea of the petitioners.

In the circumstances, the claim of the petitioners that they are entitled for pattadar pass books requires reconsideration after making an enquiry into their plea that the pattas granted in their favour are subsisting. Accordingly, the impugned order dated 16-11-1995 is set aside and the writ petition is disposed of granting liberty to the petitioners to submit a representation before the respondent together with the relevant material to substantiate their plea that the pattas granted in their favour are still subsisting and they are continuing in possession of the lands in question. If any such explanation is filed, within four weeks from the date of receipt of this order, the respondent shall consider the same and pass appropriate orders afresh in accordance with law. No costs.

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G. ROHINI, J

Dated: 28-11-2006
KLP